

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA       )  
  )  
  ) Criminal No. 19-202  
  )  
JACK ULRICH                               )

**POSITION OF DEFENDANT**  
**WITH RESPECT TO SENTENCING FACTORS**

AND NOW, comes the defendant, Jack Ulrich, by his attorney, Jay J. Finkelstein, Assistant Federal Public Defender, and respectfully files this Position of Defendant with Respect to Sentencing Factors pursuant to Local Rule 32.

1.       Undersigned counsel and Mr. Ulrich have reviewed the Presentence Investigation Report.
2.       Mr. Ulrich has no objection to the advisory guidelines set forth in the Presentence Investigation Report and the calculations set forth therein.
3.       Contrary to the Government's Position With Respect to Sentencing Factors, Mr. Ulrich's prior conviction is not a qualifying predicate conviction for purposes of the application of the 10 year mandatory minimum sentence. Counsel will address this issue at length in the Memorandum in Aid of Sentencing filed on behalf of Mr. Ulrich.

4. Counsel reserves the right to file a Memorandum in Aid of Sentencing regarding all relevant legal and factual matters prior to the sentencing hearing including a Motion for Downward Variance from the advisory guideline range.

Respectfully submitted,

**s/ Jay J. Finkelstein**

Jay J. Finkelstein

Assistant Federal Public Defender

Attorney I.D. No. 42943